

Spain

Section 1. Respect for the Integrity of the Person, Including Freedom from:

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Police forces include the national police and the Civil Guard, both under the authority of the national Ministry of the Interior, as well as municipal police under the authority of the Catalan and the Basque Country regional governments. Civilian authorities maintained effective control over the police and Civil Guard, and the government generally has effective mechanisms to investigate and punish abuse and corruption. Although there were no reports of impunity involving the security forces during the year, the Council of Europe's commissioner for human rights noted that judges frequently dismissed allegations of mistreatment by police and that reportedly few investigations into mistreatment resulted in convictions. All police forces operated effectively. There were isolated reports of corruption, which authorities handled promptly and with results.

Arrest Procedures and Treatment of Detainees

The law provides that police may apprehend suspects for probable cause or with a warrant based on sufficient evidence as determined by a judge. Authorities generally informed detainees promptly of the charges against them, and the courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. In certain rare instances involving acts of terrorism, the law allows authorities, with the authorization of a judge, to detain persons for up to five days prior to arraignment. The law provides detainees the right to consult a lawyer. There were often lengthy delays, however, between the time a detained person first requested a lawyer and the time the lawyer arrived at the place of detention. The state provided legal counsel to indigent detainees.

In certain rare instances involving acts of terrorism, a judge may order incommunicado or solitary detention for the entire duration of police custody. The law stipulates that terrorism suspects held incommunicado have the right to an attorney and medical care, but it allowed them neither to choose an attorney nor to see a physician of their choice. The court-appointed lawyer is present during police and judicial proceedings, but detainees do not have the right to confer in private with the lawyer. During the year the government continued to conduct extensive video surveillance in detention facilities and interrogation rooms to deter mistreatment or any violations of prisoner rights. Amnesty International and Human Rights Watch condemned incommunicado detention.

Pretrial Detention: As of August, 9,875 individuals were in pretrial detention. Under the law authorities may not detain suspects

for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to four years. Pretrial detention was usually less than one year.